

STEPHEN W. FRENCH, CHTD.
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Attorney for Debtors

U.S. COURTS
03 FEB -7 PM 5:01

FILED
CLERK OF COURT
BOISE, IDAHO

UNITED STATES BANKRUPTCY COURT
DISTRICT OF IDAHO

In Re:)	
JAMES L. HERSHBERGER)	
MELISSA R. HERSHBERGER)	Case No. 01-00317
)	ORDER REGARDING
)	EX PARTE MOTION TO
<u>Debtors</u>)	MODIFY CHAPTER 13 PLAN

THE COURT after review of debtors' exparte motion to modify their Chapter 13 plan and finding good cause, DOES HEREBY ORDER the Debtors motion approved, the debtors shall increase their plan payment to \$575.00 per month beginning February 15, 2003 for the next 25 months/payments into their plan. The Debtors shall defer any payments missed through February 15, 2003.

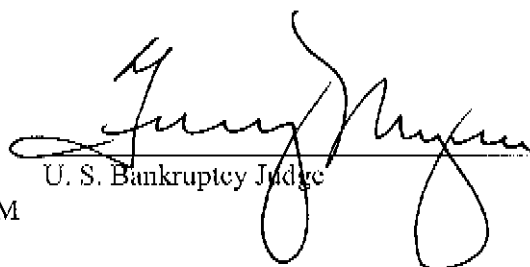
The Trustee is directed to pay all creditors 100% of their claim except the Sallie Mae Servicing Corp for claims #6 and 7 and the Ken Hershberger Claim # 5 once it is withdrawn.

The claims of Sallie Mae Servicing Corp for claims #6 and 7 for student loans in the amount shall not be discharged by this Debtors' chapter 13 bankruptcy and shall not be paid by the Trustee but shall be paid by the debtors outside the plan after this chapter 13 is completed.

The plan will become a full pay plan as to all creditors except the student loan creditor, Sallie Mae Servicing Corp for claims #6 and 7, which shall be paid in full outside the plan; therefore, no creditor is prejudiced by this change. The Sallie Mae Servicing Corp ~~shall~~ receive notice of this modification and given 20 days to object.

The Debtor's attorney requests approval of fees from the reserve set up in this matter in the amount of \$300.00 for the several reviews with Trustee's office regarding the status of this case, discussion with my clients re the increase in income, drafting and sending proposed new I and J's to my clients, drafting this motion and the order to resolve this matter. The plan payment has been increased to pay these additional fees.

Dated this 7th day of FEB., 2003.


U. S. Bankruptcy Judge

APPROVED AS TO CONTENT AND FORM
see attached.
Bernie Rakozy

Exparte Motion to Modify Plan

25K

STEPHEN W. FRENCH, CHTD.
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Boise, Idaho 83704
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Attorney for Debtors

UNITED STATES BANKRUPTCY COURT
DISTRICT OF IDAHO

In Re:

JAMES L. HERSHBERGER
MELISSA R. HERSHBERGER

Debtors

Case No. 01-00317
ORDER REGARDING
EX PARTE MOTION TO
MODIFY CHAPTER 13 PLAN

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Dated this ____ day of January, 2003.

U. S. Bankruptcy Judge

APPROVED AS TO CONTENT AND FORM

Bernie Rakozy

Ex parte Motion to Modify Plan

Case: 01-00317 Form id: 122 Ntc Date: 01/17/2003 Off: 1 Page : 1
Total notices mailed: 5

Debtor Hershberger, James L 24684 Oro Valley Rd, Auburn, CA 95602
Debtor Hershberger, Melissa R 24684 Oro Valley Rd, Auburn, CA 95602
Aty French, Stephen W 2316 N Cole Rd #C, Boise, ID 83704
Trustee Rakozy, Bernie R POB 1738, Boise, ID 83701
Creditor Sallie Mae Servicing Corp, POB 7070, Wilkes Barre, PA 18773-4100

**I hereby certify that a copy of the attached
document was mailed or hand delivered
to the named persons of this certificate
of mailing.**

Dated: 2-10-03

Signed: *Kathy Curtis*